

Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY - APRIL 10, 2002 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER ROLL CALL

APPROVAL OF MINUTES DATED:

FEBRUARY 13, 2002

FEBRUARY 27, 2002

ANNUAL MOBILE HOME PARK:

a. Miele Mobile Home Park – Cedar Avenue

PUBLIC HEARING:

1. JOCOSA LLC SITE PLAN AND SPECIAL PERMIT (01-62) River Road (Dillin) Proposed bulk storage of oil and distribution.

REGULAR ITEMS:

- 2. PLANET WINGS SITE PLAN (01-59) WINDSOR HIGHWAY (HIGBY) –Small addition to front of building.
- 3. BENJAMIN HARRIS SITE PLAN (02-01) RT. 9W AND RIVER ROAD (COPPOLA) Proposed new construction of Office/Retail space.
- 4. VAN LEEUWEN BEATTIE ROAD SUBDIVISION (02-05) BEATTIE ROAD (PFAU) Proposed 2-lot residential subdivision.

DISCUSSION

ADJOURNMENT

(NEXT MEETING – APRIL 24, 2002)

TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 10, 2002

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN

JIM BRESNAN
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.

PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ. PLANNING BOARD ATTORNEY

MYRA MASON

PLANNING BOARD SECRETARY

ABSENT: RON LANDER

REGULAR MEETING

MR. PETRO: I'd like to call the April 10, 2002 planning board meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MINUTES

MR. PETRO: We have the minutes dated February 13, 2002 and February 27, 2002, if there's no corrections, I'll take a motion to accept them as written.

MR. ARGENIO: I'll make a motion to accept them.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes of those two dates. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR.	ARGENIO	AYE
MR.	BRESNAN	AYE
MR.	KARNAVEZOS	AYE
MR.	PETRO	AYE

ANNUAL MOBILE HOME PARK

MIELE MOBILE HOME PARK

Mr. Miele appeared before the board for this review.

MR. PETRO: Mike, someone from your department been to the site?

MR. BABCOCK: Yes, we've been there and everything is fine.

MR. PETRO: One year extension. A check for \$140 made out to the Town of New Windsor?

MR. MIELE: Yes.

MR. PETRO: Motion to approve for one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Miele Mobile Home Park on Cedar Avenue. Is there any further discussion from the board members? If not roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

PUBLIC HEARING

JOCOSA LLC SITE PLAN AND SPECIAL PERMIT (01-62)

Mr. James Dillin and Mr. Affron appeared before the board for this proposal.

MR. PETRO: Proposes construction of a waste oil construction facility on the existing lot on the east side of River Road. This plan was previously reviewed at the 14 November, 2002 planning board meeting and the application is before the board for a public hearing at this time.

MR. DILLIN: What we're applying for is a special permitted use within the planned industrial zone. We're located on River Road. We're on a 2 1/2 acre parcel. There's a two million gallon oil storage tank on the site, it's been removed. The special permit for this application before you is to install a truck distribution platform with two oil tanks to collect waste oil, have it sit in the tanks, when they get filled, they get certified for heavy heating oil, they get loaded back into the trucks, they get delivered. Basically, that's it. We're going to be putting in a new state entrance into the property showing large turnaround for the trucks within the property. also a DEC permit application which we're finalizing at this moment that's going to be part of the, probably a condition of this site plan approval to operate.

MR. PETRO: Being that this is such a simple application we're going to go right to public hearing, see if there's any comments and then we'll come back. Okay, March 26, 2002, 28 addressed envelopes containing the attached notice of public hearing were mailed out. Is anyone here that would like to speak for or against this application, just make a comment, please be recognized by the Chair, come forward, state your name and address.

MRS. OSTNER: Christine Ostner, 82 Bethlehem Road. I'd like to know which property that is. Is that the former Affron terminal?

MR. AFFRON: Yes, there's Affron terminal, then across the street, there were two freestanding tanks. This operation will be where those two freestanding tanks were, right across the street from Lightron, I think there's a excavator right there, then there's a big parcel of property, a couple houses, then Silver Springs Road, but there's two tanks there before with dike walls and they were--

MRS. OSTNER: On the left side of the highway?

MR. ARGENIO: There's an area map on this plan right here, if you'd like to come forward and take a look at it.

MR. AFFRON: Main bulk of the terminal was on the east side, large tank that we have right here, green tank has Affron on it, we had it removed five years ago.

MRS. OSTNER: What is it you want to put in there?

MR. AFFRON: Two 30,000 gallon dike tanks, there's no heating, there's no processing, what it really is it's separation by gravity and then it gets certified and gets taken off premises, so we're not going to be doing any recycling so to speak, really transfer of waste oil to be used.

MRS. OSTNER: Where is it's going after it leaves there?

MR. AFFRON: Whichever industry can use it for four or six oil substitute.

MRS. OSTNER: There's going to be residue at the bottom, what are you going to do with that? It will accumulate.

MR. AFFRON: The first tank is the tank that will be holding off specification that has to be within DEC guidelines, such as Buckner Waste Oil, he's licensed to dispose of off specification waste oil. The only thing I can sell is non-specification, there will be an accumulation, it's a very simple process done by gravity.

MRS. OSTNER: I understand that, I just wondered what happens to what you can't use and Buckner's going to get rid of it?

MR. AFFRON: Buckner, yes.

MRS. OSTNER: What's he going to do with it?

MR. AFFRON: How he does it, I don't know. I know he's licensed to do it.

MR. PETRO: Is that all, Mrs. Ostner?

MRS. OSTNER: Yes.

MR. PETRO: Anyone else like to speak? Motion to close the public hiring.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for Jocosa LLC site plan. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: There's a note that the bulk table is incorrect, I would suggest you get a copy of Mark's comments, 110 foot side yard, correct that.

MR. EDSALL: Yeah, just the one correction, Mr. Chairman.

MR. PETRO: Secondly, we cannot move my further tonight because our lead coordination letter was mailed out March 21, 30 days has not elapsed therefore we cannot

go any further. But you'll be on the next agenda if you want to be as long as the 30 days elapsed, we can take action. We can't take action if I wanted to so--

MR. DILLIN: Okay.

MR. AFFRON: You're moving a lot faster than the DEC is anyway.

MR. ARGENIO: What percentage of the 30,000 gallons does the DEC require you to capture in the event of a rupture, 100%, 50%?

MR. AFFRON: Eighty percent. You mean in the--

MR. EDSALL: It's 110, bulk storage is 110, it's over 110.

MR. AFFRON: Dike walls are made by the company that supplies the tank and yeah, he's right, 80 wouldn't make sense. It's been a while since I had to figure those figures.

MR. PETRO: Please contact the fire inspector's office, it's approved, but they want to go over something with you, so get in touch with someone in that office and we'll see you in two weeks.

REGULAR ITEMS:

PLANET WINGS SITE PLAN (01-59)

Mr. Higgins appeared before the board for this proposal.

MR. PETRO: Small addition to the front of the building. This application proposes addition for additional dining area at the existing restaurant. This plan was previously reviewed at the 24 October, 2001 planning board meeting and was referred to the ZBA. It's in the C zone. What did you go to the Zoning Board for, front yard?

MR. HIGGINS: Front yard variance, yes.

MR. PETRO: You were successful in receiving that, that's why you're here, it says so on the plan?

MR. HIGGINS: Yes, received front yard variance.

MR. HIGGINS: The existing building is a 1,500 square foot structure and we're proposing to add about 120 square foot structure in the front of the building. I mentioned, we went through, it is a non-conforming site in terms of area, it's a one and a half acre site, it's also with the front yard as I say, we went to the ZBA March 11, got the variance from a required 60 foot front yard to allow a 38 foot front yard and we have had several meetings with Mr. Edsall and basically revised the plan as per his comments, which was basically to add some, the landscaping, this landscaping that's shown here is existing right now. The only thing that we'll be adding in terms of landscaping is a little bit around the front here in this area, in terms of some low shrubbery to improve the aesthetic appearance of the building. We have sufficient parking, I believe the required was 15 or 19 spaces and we have provided 25 according to, and the required handicapped accessible spaces. I'm not sure if there's any other questions, but we have had the work sessions with Mr. Edsall, we have incorporated his comments into the plan and we're back.

MR. ARGENIO: Mark, is the, does the handicapped sign have to be in a bollard?

MR. EDSALL: There's no requirement that it be but that many times is a good practice.

MR. PETRO: Motion for lead agency.

MR. KARNAVEZOS: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Planet Wings site plan.

ROLL CALL

MR.	ARGENIO	AYE
MR.	BRESNAN	AYE
MR.	KARNAVEZOS	AYE
MR.	PETRO	AYE

MR. PETRO: Reviewed the resubmitted plan, have the following comments, this is from Mark, detail for signage and striping should be provided for the handicapped spaces, all other requested corrections have been included on the plan, so good job. So you have that one note there. We have fire approval on 4/5/2002. Mark, why do we need DOT?

MR. EDSALL: You don't need DOT, you're all set.

MR. BRESNAN: What's the signage going to do?

MR. HIGGINS: Existing to remain, there's a sign out front which is basically going to remain without change, there will be letters on the building but they'll comply with the current code.

MR. BRESNAN: And the one-way traffic direction.

MR. HIGGINS: Yes, they we're added, Mr. Edsall indicated that he wanted a double post, double face signage for the in and the out and they have been

added.

MR. BRESNAN: I understand.

MR. PETRO: I'm going to entertain a motion to waive the public hearing.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for this site plan, Planet Wings site plan amendment. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: The reason we did that is it's so minor in nature that we don't feel that it is necessary to go any further with that.

MR. HIGGINS: Appreciate that.

MR. BABCOCK: They also had a public hearing at the zoning board so people are aware.

MR. PETRO: Mark, see anything else here?

MR. EDSALL: No. As indicated, Phil's been real cooperative and did a good job on the plan. The detail really, he shows handicapped parking spaces, but we like to have a blowup detail because there's been so many mistakes by contractors we like to nail it down. The other item is on the second page, we do need the bond estimate and the last item is something that Phil didn't owe me but I owed Phil is an explanation of the drainage system in back, we were able to pull out the plans from Phase 2A of the Town's drainage construction

projects and in the rear, there's apparently already a 20 foot easement, so we need to have that verified, you should show the easement on the plan.

MR. PETRO: He shows the 20 foot setback.

MR. EDSALL: There's an easement that should be referenced. Second issue is as I understand it, there is an existing 12 inch perforated drainage pipe in the easements and that area is not to be a grassed area, unless they put grass over crushed stone with the way the town left it, they had a crushed stone inlet area to the trench drain at the back of the property, so if it's been altered, it should be returned back to being crushed stone inlet area and if it looks as if it's been piled on so our only suggestion would be that it be uncovered and the inlet, the stone inlet be returned so that the storm water can go into the piping system that the town installed.

MR. HIGGINS: Not a catch basin.

MR. EDSALL: No, it's a every, so often, there's an inlet basin for cleanout, but it's basically a long trench with perforated 12 inch polyethylene pipe and stone to the surface.

MR. HIGGINS: Now you want that cleaned, taken care of?

MR. PETRO: Just cleaned off, I see it in the picture.

MR. EDSALL: Clean it off.

MR. HIGGINS: Is there a problem with planting grass?

MR. EDSALL: Absolutely, we want stone for the 20 foot, it slows the storm water down and also provides an inlet for the trench drain.

MR. HIGGINS: Okay.

MR. PETRO: Motion for approval, I'll do the subject-to's, I'm sorry, motion for negative dec in the SEQRA process.

MR. KARNAVEZOS: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant negative dec under the SEQRA process. Is there any further discussion? if not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: Motion for final approval.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Planet Wings site plan amendment subject to a detail for signage and striping be provided for the handicapped spaces have to be on the plan.

MR. HIGGINS: I have a detail for signage, just maybe the striping.

MR. PETRO: Handicapped, all right then, the striping then, okay and secondly, you have to make a note on the plan to show the 20 foot easement. You're already showing 20 feet, just put gravel to remain, clean it and gravel to remain. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

BENJAMIN HARRIS SITE PLAN (02-01)

Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: Property located in an NC zone, office use is permitted by right, bulk information shown on the plan is correct for the zone and use group with the exception of the rear yard value. Can't you get anything right?

MR. COPPOLA: I guess there's always one mistake at This is just a concept plan, something we have been working on for a while. I think the site is a 3 acre site, triangular shaped, bound by old Route 9W, Union Avenue and River Road. It's behind Ben's office on Route 9W. What we're proposing is a 4 story 26,700 square foot office building with parking below. There's going to be four levels to the building, if you know the site, it's an unusual site, also almost like a hole the way the topo is from the top to the bottom of the topo is about 20 feet. So if you're standing at the top here, it's about 5 contours, 500 and 580 in the hole, the challenge is to design an office building that takes advantage of that and still presents itself from the street. So what we have done is provided parking under the building, it will be at least 15 parking spaces under the building and the benefit of that is really just to raise the building more than the parking spaces itself. So we're going to raise the building then as the building rises up, there will be one office level kind of half in the ground, half out of the ground and then from the top side of the property, there will be two full office levels above ground so when you look at the building from the high side, from the 9W side, you would see two stores. you're looking at the building from River Road, you're going to see four stories. And what we had done and Mark's suggestions at one point was to check the building height to make sure that we conform and there's a table on there and basically, we have stated the mean building elevation I think to be 490 and the maximum height in that area is 35 feet, so it would be 490 plus the 35, that's doable for this building.

MR. PETRO: Taking the average around the building.

MR. EDSALL: Code reads an average, so I asked Tony to put that in and I check and his numbers are fine.

MR. COPPOLA: One correction to the plan we did get a letter from the fire inspector today and he pointed out that this building will definitely be sprinklered. understand that according to the sprinkler ordinance, so there's a note that says it will not be sprinklered, that is incorrect, we understand that it definitely needs to be sprinklered. So basically, let me just talk about the traffic access. What we have done here is because we have three front yards, we have tried to get one entrance on each of the street, the traffic probably would be the less desirable down at this intersection, the curved intersection here at River Road and Union Avenue, so we placed that entrance furthest away from that intersection cause cars tend to come down the hill fairly quickly around the corner so all these would be two way entrances two off Route 9W and so you have access to the top and the bottom of the property. And then we have interconnected a roadway system, so if someone comes through here and the parking is full, then they'd go down to the other lot without having to go back out to the street. think we have taken care of parking and we conform with So basically, what we just wanted to do the parking. tonight is have the planning board get a quick look at it and hopefully, before we proceed with our site utilities, the details, the water, the storm sewer, we'll be able to provide storm drainage here. a large outlet across River Road, it's a really large structure that we're going to connect into and I think actually I don't know if it connects under the road or not, I've forgotten that, but storm drainage basically our plan is to empty into that. There's the town's sanitary sewer under old Route 9W, there's a possibility that the lowest floor here may need to be pumped up to that, we realize that that's something else we have to work on.

MR. PETRO: Anything on River Road as far as sewer?

MR. COPPOLA: I don't think the sewer is on River Road.

MR. EDSALL: Not that I know of.

MR. COPPOLA: Maybe over here it is.

MR. PETRO: You might be able to get down further to pick it up instead of pumping it.

MR. PETRO: Tell me again about the drainage because there's going to be almost no impervious area on this site left at all, so you're going to have a lot of water coming off. Where is it going?

MR. COPPOLA: I don't have it on the plan, but there's a large concrete structure, drainage structure, I think it's across the street on River Road, so we're gonna tie into that that goes out to the river.

MR. PETRO: What size line is that in the road? You should do some homework and find out what that is at that point down there.

MR. COPPOLA: Storm drainage, okay.

MR. EDSALL: Just making a note.

MR. BABCOCK: You're not recommending seepage pits?

MR. PETRO: No, you don't want to start anything.

MR. KARNAVEZOS: This is the property that sits directly across the street from St. Joseph's Church?

MR. COPPOLA: You're behind, there's quite a bit of grading to shape that up.

MR. PETRO: There is a number of comments you can go over with Mark, they are technical, I don't need to go over those now. Any of the members have any problem with this as a conceptual layout? He's got a lot of work to do, you have to make it work. One note if you don't get your curb cuts in those particular locations, the plan would not be feasible as it is and you would have to change it and come back again with a different concept plan. The other one would be another idea is

the parking under the building, we need to get some good information about that cause I think when Shop Rite was in here, we didn't get very good information when they were going to make double decker parking, such as lighting, drainage, heights, clearances.

MR. COPPOLA: Well to show that we do have a concept plan we'd work that out schematically so kind of an in and out and there's a core area to the building we developed on the high side so schematically, we worked it out.

MR. ARGENIO: Shop Rite was a deck and then pavement, this is a little different in that it is a parking garage under a building.

MR. EDSALL: Exactly.

MR. ARGENIO: So there's probably fire access issues.

MR. EDSALL: Well, there's the fire access issue will be the same as Bob applies to all under building or parking decks, he needs to get a pumper in there, but there's, in this particular case, the same as the other building, there's issues of protection of the structure from burning vehicles, combustible gas products underneath.

MR. ARGENIO: Because of the structure above it.

MR. EDSALL: Right, so Bob has already set up the guidelines.

MR. PETRO: Okay, can I have a motion to issue a lead agency coordination letter?

MR. KARNAVEZOS: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the Town of New Windsor Planning Board issue a lead agency coordination letter for the necessary agencies for Ben Harris office building. Any further comments?

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: We'll have a public hearing on this, obviously, so I'll just inform you we're not going to vote on it tonight but when it comes up, it's big enough, you can order the list. You're going to come back with the application?

MR. COPPOLA: Yes.

MR. PETRO: So order a list.

MR. COPPOLA: Thank you.

MR. EDSALL: I'll just make a note to put this on again, assuming you're definitely going to have a public hearing.

VAN LEEUWEN - BEATTIE ROAD SUBDIVISION (02-05)

Mr. Joseph Pfau and Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. PETRO: Mr. Van Leeuwen's here. Project proposes subdivision of 59.5s acre into 2 single family lots. The plan was previously reviewed at the 27 March, 2002 planning board meeting. Property is located in R-1 zone, meets all bulk requirements. Bulk table has been corrected as requested. Applicant's engineer has addressed all of my previous comments. The planning board may wish to make a determination under SEQRA. We have highway approval, culvert pipes are required 18 inch, but it was approved on 4/8/2002 and fire was approved on 4/8/2002 with no notes. So can I have a motion for negative dec?

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under SEQRA process for Van Leeuwen subdivision.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

MR. PETRO: Federal wetlands, Mark, you must have an overlay map, is something caught on there, but I don't think it's--

MR. EDSALL: No, Mr. Pfau responded by indicating from his site visit that it is his belief from his field review that the limit of the Federal wetlands is within the hundred foot buffer of the State wetlands, am I correct?

MR. PFAU: Yes, it's a pretty definitive wetlands line, so the hundred foot is well upland.

MR. VAN LEEUWEN: You can see it again.

MR. PETRO: Tom, do you have anything on this plan?

MR. BRESNAN: No.

MR. ARGENIO: No, I don't have anything.

MR. PETRO: Motion for final?

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Van Leeuwen minor subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR.	ARGENIO	AYE
MR.	BRESNAN	AYE
MR.	KARNAVEZOS	AYE
MR.	PETRO	AYE

DISCUSSION

MR. BABCOCK: I have one quick thing, down on 9W going into Newburgh, Zig's Realty, it's next to the McGoey, Hauser & Edsall building that was there, they're talking to me about changing that building into a barber beauty shop. The problem that I am having it's one of the uses in the zone, the problem I'm having is parking, there's 3 parking spaces basically for that building and it is a change of use, but it's within the section of the code that's permitted use of the NC zone so I'm having a little--

MR. PETRO: There's parking along 9W that's permitted along that whole strip.

MR. BABCOCK: That's correct, I'm having some difficulty making that decision myself of whether that--

MR. ARGENIO: Is that the only parking on 9W?

MR. BABCOCK: Yes, that's basically that's the way it is along there.

MR. PETRO: Well, I think that's the key, though, I don't think it's up to us to say whether or not they can use the strip of parking, the parking's on the street for those buildings. If that was my building, it's a retail use and I want to use it for that, I'm the one that's at risk. If I won't go there to cut get a haircut because I can't park there, I don't think that we as the board should have a right to tell somebody they can't use it for the intended use in the zone. The parking's there for those buildings, if not, they should go somewhere else and do it.

MR. BABCOCK: Okay, good.

MR. PETRO: If there was no parking at all, it's different, but that parking along that stripe is for any building that's there. You can't say that these three are for here and these three are for there. Anybody disagree?

MR. KARNAVEZOS: No.

MR. ARGENIO: First come, first serve.

MR. PETRO: I don't think there should be any parking there, but that's the way it is. I kind of agree with that. Okay, motion to adjourn?

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

ROLL CALL

MR. ARGENIO AYE
MR. BRESNAN AYE
MR. KARNAVEZOS AYE
MR. PETRO AYE

Respectfully Submitted By:

Frances Roth Stenographer